

**Asheville City Council Meeting Minutes
Tuesday – February 20, 2007 - 5:00 p.m.**

Regular Meeting

Present: Mayor Terry M. Bellamy, Presiding; Vice-Mayor Diana Hollis Jones; Councilwoman Robin L. Cape; Councilman Jan B. Davis; Councilman Bryan E. Freeborn; Councilman R. Carl Mumpower; Councilman Brownie W. Newman; City Manager Gary W. Jackson; City Attorney Robert W. Oast Jr.; and Deputy City Clerk Phyllis Corns

Absent: None

PLEDGE OF ALLEGIANCE

Mayor Bellamy led City Council in the Pledge of Allegiance.

INVOCATION

Mayor Bellamy gave the invocation.

I. PROCLAMATIONS:

II. CONSENT AGENDA:

At the request of Councilman Mumpower, Consent Agenda Items “C”, “D”, “I” and “J” were removed from the Consent Agenda for individual votes.

At the request of Councilwoman Cape, Consent Agenda Items “E” and “F” were removed from the Consent Agenda for discussion.

At the request of Mayor Bellamy, Consent Agenda Item “M” was removed from the Consent Agenda for an individual vote.

- A. APPROVAL OF THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 13, 2007,**
- B. RESOLUTION NO. 07-31 - RESOLUTION AUTHORIZING WARREN HAYNES DRIVE, SAVANNAH WOODS COURT AND SABIAN COURT, IN THE SAND HILL ROAD AREA OF ASHEVILLE, TO BECOME PUBLICLY MAINTAINED STREETS**

Summary: The consideration of a resolution authorizing Warren Haynes Drive, Savannah Woods Court & Sabian Court, in the Sand Hill Road Area of Asheville, to become publicly maintained streets.

Section 7-15-1(f)-4.a requires that streets dedicated for public uses be accepted by resolution of City Council.

Warren Haynes Drive, Savannah Woods Court & Sabian Court are developer-constructed streets that have an average width of 25 feet and a length of 0.42 miles, 0.09 miles and 0.04 miles respectively. Transportation and Engineering Department staff inspected these streets and found them to be constructed in accordance with the approved standards.

Following City Council's approval of this resolution, Warren Haynes Drive, Savannah Woods Court & Sabian Court Catalina Court will be added to the official Powell Bill list.

Pros:

- The City will receive Powell Bill funds from the NCDOT to maintain the roadway.
- Homes constructed on this roadway increase the tax base in the City.

Con:

- Powell Bill funds will not cover 100% of the cost to maintain the street.

City staff recommends City Council approval of a resolution authorizing Warren Haynes Drive, Savannah Woods Court & Sabian Court, in the Sand Hill Road Area of Asheville, to become publicly maintained streets.

RESOLUTION BOOK NO. 30 - PAGE 211

C. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PREUSSER RESEARCH GROUP AS PART OF A NIGHT TIME SAFETY BELT ENFORCEMENT PROJECT

This item was removed from the Consent Agenda for an individual vote.

D. BUDGET AMENDMENT TO RECEIVE THE PREUSSER RESEARCH GROUP GRANT TO PAY OFFICERS TO WORK WITH SUPPLEMENTAL ENFORCEMENT ACTIVITIES RELATED TO THE NIGHT TIME SAFETY BELT ENFORCEMENT PROJECT

This item was removed from the Consent Agenda for an individual vote.

E. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ASSIST THE POLICE DEPARTMENT IN THE INVESTIGATION AND REDUCTION OF TRAFFIC CRASHES

This item was removed from the Consent Agenda for an individual vote.

F. BUDGET AMENDMENT TO RECEIVE THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT TO ASSIST THE POLICE DEPARTMENT IN THE INVESTIGATION AND REDUCTION OF TRAFFIC CRASHES

This item was removed from the Consent Agenda for an individual vote.

G. RESOLUTION NO. 07-34 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR HIGHWAY SAFETY GRANT FUNDS

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the North Carolina Governor's Highway Safety Program for highway safety grant funds and the associated budget amendment in the amount of \$10,000.

The City of Asheville Police Department (APD) serves as a regional liaison under the North Carolina Governor's Highway Safety Program, and as a part of this commitment receives an annual grant of \$10,000 to cover expenses associated with its participation. The \$10,000 grant this year will fund the purchase of computer equipment or traffic safety programs and travel expenses associated with the regional liaison duties. There is no local match of funds required for this grant.

The APD currently participates in the North Carolina Governor's Highway Safety Program Highway Safety campaigns. In order to facilitate better participation and efficiency of highway safety initiatives, a regional law enforcement network was created to enhance communication and effectiveness. The Asheville Police Department promotes highway safety statewide by designating a member of the department to serve as the regional liaison for GHSP Region 8 (Western North Carolina).

This action conforms to the City Council's Strategic Operating Plan under Partnerships to Improve Critical Services and Infrastructure. Goal 2, Objective A: Research and develop strategies for securing significant new recurring revenue sources.

Pro:

- Reimbursement revenue to cover the cost of obtaining the needed computer equipment and to cover the travel expenses incurred as a result of the liaison position.

Cons:

- Dedicate the man-hours for the officer charged with the liaison duties to accomplish the goals stated in the grant contract.
- The city will have to bear the cost of maintaining the equipment.

City staff recommends City Council adopt (1) a resolution authorizing the City Manager to enter into an agreement with the N.C. Governor's Highway Safety Program to provide an officer to act as the Regional Law Enforcement Liaison which requires funding for travel expenses (the remainder of the grant amount would be utilized by the Police Department to purchase computer equipment to assist officers in conducting traffic safety related business); and (2) an associated budget amendment in the amount of \$10,000.

RESOLUTION BOOK NO. 30 - PAGE 215

H. ORDINANCE NO. 3440 - BUDGET AMENDMENT TO RECEIVE THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT FUNDS FOR A HIGHWAY SAFETY GRANT

Summary: See Consent Agenda "G" above.

ORDINANCE BOOK NO. 23 - PAGE

I. RESOLUTION APPROVING PARKS & RECREATION DEPARTMENT'S LIST OF CO-SPONSORED EVENTS FOR 2007

This item was removed from the Consent Agenda for an individual vote.

J. RESOLUTION ANNOUNCING PARTICIPATION IN THE ASHEVILLE-BUNCOMBE CLEANLINESS COLLABORATION

This item was removed from the Consent Agenda for an individual vote.

K. RESOLUTION NO. 07-37 - RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ASHEVILLE CONVENTION AND VISITORS FOR BUNCOMBE COUNTY TOURISM DEVELOPMENT AUTHORITY ON A WAYFINDING TASK FORCE

Summary: Per City Council's direction, staff is working toward implementing a comprehensive wayfinding and signage program for the Asheville area. The wayfinding program aims to address several identified City Council goals: 1) improving signage into and out of City parking facilities; 2) providing information kiosks in the downtown; 3) removing sign clutter and obsolete signage; 4) improving directional signage for residents and visitors.

The City has joined with the Convention Visitors Bureau (CVB) to develop the Partnership on Wayfinding Task Force. This task force includes City of Asheville Staff, CVB staff, and representatives from other municipalities, Buncombe County, and the NCDOT. The Task Force is in the process of hiring a consultant to develop a master plan and oversee the project through implementation. The CVB, as contracting agency for the Buncombe County Tourism Development Authority (TDA), is willing to take the lead role in administering the contract.

The estimated overall cost for the wayfinding program is between \$750,000 and \$1,000,000. This initial estimate is for all expenses from master planning through sign installation. The proposed City of Asheville contribution to this effort is \$75,000. The remainder of the funding (approximately 90%) will be sought from the TDA Product Development Fund as well as other municipalities and the County. Although the TDA funding is not yet secured, the TDA board has shown a strong interest this project.

City staff proposes moving ahead with the partnership for wayfinding by taking the following steps: 1) Set aside \$ 75,000 from the City's parking fund, because of the strong parking component in the wayfinding program. 2) Develop an interagency agreement with the TDA that specifies the cost-sharing arrangement and roles and responsibilities. 3) Continue to take a lead role in defining the scope of the project.

Staff is of the opinion that this arrangement is beneficial to the City. The initial investment of \$75,000 will be followed by about ten times that amount in initial investment in the community, while accomplishing identified City goals. If the City took on responsibility of just providing the parking deck signage, the cost could reach the amount of the City match proposed for the whole program.

As part of the wayfinding master plan, the consultants will be asked to quantify the ongoing costs associated with the program. City Council should be aware that once a signage program is in place there will be additional costs associated with maintenance, upkeep, and sign replacement. The City is likely to be asked to take on maintenance responsibility of the signs within the City limits.

Staff will ensure that the wayfinding master planning process includes ample opportunities for input from stakeholders, City Council, and the public. The goal is to have a signage program that reflects the character of the community.

City staff recommends City Council approve the resolution authorizing the City Manager to sign an agreement with the Tourism Development Authority in the amount of \$75,000.

RESOLUTION BOOK NO. 30 - PAGE 219

L. RESOLUTION NO. 07-38 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A CONTRACT WITH MOTOROLA INC. FOR THE 800 MHZ RADIO PROJECT

Summary: The consideration of a resolution authorizing the City Manager to sign a contract with Motorola, Inc., in the amount of \$1,023,184, for the 800Mhz Radio project.

After successfully upgrading our public safety radio system to a fully-digital system, staff's final task is to fully enable roaming. Two technology options were available to the City to fully enable seamless roaming, and staff has chosen the "Simulcast" option as the least risky and most beneficial approach to complete this project, particularly given the environmental uncertainty due to the Sprint/Nextel/FCC 800 Mhz band reconfiguration currently underway.

The benefits of the 800 Mhz work that has been completed thus far include:

- Increased transmission security
- Improved officer safety through better console identification
- Ability to be part of the State's VIPER system, allowing better communication during significant future events
- Better building coverage, thus improved officer safety

Funding for this contract will come from the \$1.32 million in Capital Improvement Program (CIP) funding that City Council has approved for radio system upgrades over the last two fiscal years. Staff anticipates, based on vendor deadlines, that work can be complete by October of 2007.

Pros:

The benefits of this contract will include:

- Finish project utilizing Council approved budgetary dollars
- Seamless roaming for *all* radios
- Fewer “radio busy” due to the technical nature of Simulcast solution

Con: Risks present in this project are the normal risks associated with modification of a production public safety technology system. Risk mitigations will include utilization of experienced contractors and formal project and change management methodologies.

City staff recommends City Council adopt a resolution authorizing the City Manager to sign a contract with Motorola, Inc., in the amount of \$1,023,184, for the 800Mhz Radio project.

RESOLUTION BOOK NO. 30 - PAGE 220

M. RESOLUTIONS MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FOLLOWING EVENTS: (1) THE MOUNTAIN SPORTS FESTIVAL ON MAY 4-6, 2007; (2) THE ASHEVILLE DOWNTOWN ASSOCIATION’S DOWNTOWN AFTER 5 EVENTS ON MAY 18, JUNE 15, JULY 20, AUGUST 17 AND SEPTEMBER 14, 2007; (3) THE FOURTH OF JULY CELEBRATION ON JULY 4, 2007; (4) THE 76TH ANNUAL CITY OF ASHEVILLE OPEN

TENNIS CHAMPIONSHIPS PICNIC ON JULY 19-20, 2007; (5) THE GOOMBAY! FESTIVAL ON AUGUST 25-27, 2007; (6) THE LEXINGTON AVENUE ARTS AND FUN FESTIVAL ON SEPTEMBER 9, 2007; (7) THE FIESTA LATINA FESTIVAL ON SEPTEMBER 22, 2007; (8) THE 11TH ANNUAL BREWGRASS FESTIVAL ON SEPTEMBER 22, 2007; (9) THE ASHEVILLE GREEK FESTIVAL ON SEPTEMBER 28-30, 2007; AND (19)

**THE ASHEVILLE GRIZZLIES HOME HOMES ON VARIOUS DATES
DURING THE SUMMER OF 2007**

This item was removed from the Consent Agenda for an individual vote.

Mayor Bellamy said that members of Council have been previously furnished with a copy of the resolutions and ordinances on the Consent Agenda and they would not be read.

Councilman Freeborn moved for the adoption of the Consent Agenda. This motion was seconded by Vice-Mayor Jones and carried unanimously.

ITEMS PULLED OFF THE CONSENT AGENDA FOR AN INDIVIDUAL VOTE

- C. RESOLUTION NO. 07-32 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE PREUSSER RESEARCH GROUP AS PART OF A NIGHT TIME SAFETY BELT ENFORCEMENT PROJECT**
- D. ORDINANCE NO. 3438 - BUDGET AMENDMENT TO RECEIVE THE PREUSSER RESEARCH GROUP GRANT TO PAY OFFICERS TO WORK WITH SUPPLEMENTAL ENFORCEMENT ACTIVITIES RELATED TO THE NIGHT TIME SAFETY BELT ENFORCEMENT PROJECT**

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the Preusser Research Group for a total grant package of \$200,000 and an associated budget amendment in the amount of \$73,000.

The Preusser Research Group has awarded the City of Asheville Police Department (APD) a total grant package of \$200,000 as a part of its Night Time Safety Belt Project. The grant funds equipment and overtime salary expenses associated with establishing an expanded night time seat belt enforcement program that includes a two-week campaign period each quarter. Enforcement activities will occur on five nights during each of the two-week periods for a total of forty (40) nights throughout the year.

The grant funds will be shared among several local agencies as a result of the law enforcement partnership that has been established for the purpose of increasing safety belt usage through night time safety belt checkpoints. The highway safety and checking station equipment, totaling \$84,969, will actually be purchased by Preusser Research Group and distributed to APD. APD along with Biltmore Forest Police Department, Woodfin Police Department, Buncombe County Sheriff's Office, North Carolina State Highway Patrol, and the Buncombe County District Attorney's Office will utilize this equipment for night time checking stations. At the end of the project, some of the equipment will be distributed to the participating agencies to assist them with their own future checking stations.

The remaining \$115,031 is to be utilized to fund officers to work the checking stations. \$73,000 will be allocated to the City of Asheville to provide funding to pay overtime for this

supplemental enforcement. The remaining \$42,031 available to pay officers will be distributed by the Preusser Group to the three other agencies participating in the enforcement campaign and to subsidize the Buncombe County District Attorney's Office.

Additionally, the Preusser Research Group will fund significant paid media to film a public service commercial with a local focus. It will be aired on the local television stations and will promote the safety and quality of life of citizens in this area. Funding for this paid media portion will be provided by Preusser Research Group and paid separately from the \$200,000 grant amount.

There is no local match of funds required for this grant. The budget amendment is only for the \$73,000 allocated to APD for overtime expenses.

The APD feels strongly about highway safety and regularly supports activities to enhance the safety of all residents and visitors to Asheville. The grant opportunity between the City of Asheville and Preusser Research Group is an opportunity to influence safety belt usage among thousands of motorists in this area. As a result, more lives may be saved and fewer serious injuries sustained from tragic motor vehicle crashes.

This action conforms to the City Council's Strategic Operating Plan under Partnerships to Improve Critical Services and Infrastructure. Goal 2, Objective A: Research and develop strategies for securing significant new recurring revenue sources.

Pros:

- Reimbursement revenue to cover the cost of paying officers to work the supplemental enforcement campaigns over the course of the year.
- Be awarded a substantial amount of highway safety enforcement equipment with no purchase cost to the city.
- No local match of funds required.

Cons:

- Dedicate the man-hours needed to accommodate the needs of this project. It is anticipated that APD will need to provide ten (10) officers each night of the campaign for each of the forty (40) nights of enforcement activities.
- The city will have to bear the cost of maintaining the equipment.

City staff requests City Council to adopt a resolution authorizing the City Manager to enter into an agreement with the Preusser Research Group to purchase highway safety enforcement equipment for the police department and to fund officers to work this supplemental enforcement project during 2007; and approve the associated budget amendment in the amount of \$73,000.

Mr. Tim Peck felt it was inappropriate that in order for Asheville citizens to obtain the law enforcement they desire they have to gathering up substantial private contributions to supplement police officers paychecks. In addition, he felt the decision on whether to wear a seatbelt is his and it is not the role of City government to create "behavior change."

Mr. Bill Fishburne spoke against adoption of this budget amendment in that it is selling law enforcement. He felt we have better uses of police officer's time than seatbelt checks.

Rev. Christopher Chiaronmonte wondered if the City of Asheville is buying justice by accepting private money from a private organization.

Police Chief Bill Hogan pointed out that the Preusser Research Group was hired by the National Highway Traffic Safety Administration to administer the grant so it is not a private company. He explained that the Police Department is a full-service police department. Thirty percent of our call for service and workload is related to traffic enforcement and traffic crash investigation. Anything we can do to reduce traffic crashes reduces our workload, plus more importantly it saves lives and reduces injuries. In addition, this is not taking police officers off the street, but it is an extra duty assignment. He also noted that a lot of crime has been deterred from traffic stops.

Councilman Mumpower felt this creates an unfair reputation of the Police Department as being heavy-handed and is a distraction at a time when we have a lot of other problems, e.g., speeding in neighborhoods, open air drug market. In addition, he felt that we should not accept any money from the federal government because of the staggering federal deficit.

In response to Councilwoman Cape, Police Chief Hogan explained the Police Department's policy regarding off-duty employment by our police officers.

Councilman Freeborn moved for the adoption of Resolution No. 07-32. This motion was seconded by Councilwoman Cape and carried on a 5-2 vote, with Councilman Davis and Councilman Mumpower voting "no."

RESOLUTION BOOK NO. 30 - PAGE 213

Councilman Freeborn moved for the adoption of Ordinance No. 3438. This motion was seconded by Vice-Mayor Jones and carried on a 5-2 vote, with Councilman Davis and Councilman Mumpower voting "no."

ORDINANCE BOOK NO. 23 - PAGE

- E. RESOLUTION NO. 07-33 - RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM TO ASSIST THE POLICE DEPARTMENT IN THE INVESTIGATION AND REDUCTION OF TRAFFIC CRASHES**

F. ORDINANCE NO. 3439 - BUDGET AMENDMENT TO RECEIVE THE N.C. GOVERNOR'S HIGHWAY SAFETY PROGRAM GRANT TO ASSIST THE POLICE DEPARTMENT IN THE INVESTIGATION AND REDUCTION OF TRAFFIC CRASHES

Summary: The consideration of a resolution authorizing the City Manager to enter into an agreement with the North Carolina Governor's Highway Safety Program to assist the Asheville Police Department in the investigation and reduction of traffic crashes, and an accompanying budget amendment of in the amount of \$175,000.

The Asheville Police Department (APD) has received a grant from the North Carolina Governor's Highway Safety Program (GHSP) for equipment to outfit a dedicated traffic unit. The total amount of the grant is \$175,000, which includes \$131,250 in grant funds from GHSP and a required 25% City match of \$43,750.

This grant will allow the City to fully outfit a dedicated traffic unit of five officers for traffic enforcement, accident reduction, community traffic education, and overall improved public safety. The grant includes fully equipped police vehicles and special traffic investigation and enforcement equipment. The equipment, training and technology provided in this grant will enhance the police department's ability to conduct traffic crash reconstruction and traffic homicide investigation. This is an equipment grant with no personnel costs.

This grant opportunity came about after the adoption of the 2006-07 budget, so the City match of \$43,750 was not budgeted. Based on the current financial forecast for FY 2006-07, staff recommends that the local match of \$43,750 be appropriated from fund balance.

This action conforms to the City Council's Strategic Operating Plan under Partnerships to Improve Critical Services and Infrastructure. Goal 2, Objective A: Research and develop strategies for securing significant new recurring revenue sources.

Pros:

- The Police Department obtains much needed traffic enforcement equipment that will improve its ability to address traffic related issues throughout the city.
- The City does not have to bear the full cost of initially purchasing the equipment.-9-
- The City receives five patrol vehicles to address traffic issues.

Cons:

- The City is required to use \$43,750 in matching funds.
- The City will have to bear the full cost of replacing the equipment in future budgets.
- The Police Department will have to dedicate five personnel to the traffic team.

City staff requests City Council to adopt a resolution authorizing the City Manager to enter into an agreement with the N.C. Governor's Highway Safety Program to assist the Asheville Police Department in the investigation and reduction of traffic crashes, and an accompanying budget amendment, in the amount of \$175,000, to purchase traffic enforcement equipment.

In response to Councilwoman Cape, Police Chief Bill Hogan explained what the vehicles will be used for and the reasoning behind purchasing those types of vehicles. He said that he would be happy to research vehicles that could use the alternative fuel E-85.

Councilman Mumpower wondered if this item should have come before the City Council Public Safety Committee prior to City Council as a way to streamline discussion.

Councilman Freeborn moved for the adoption of Resolution No. 07-33. This motion was seconded by Councilman Mumpower and carried unanimously.

RESOLUTION BOOK NO. 30 - PAGE 214

Councilman Newman moved for the adoption of Ordinance No. 3439. This motion was seconded by Councilman Freeborn and carried unanimously.

Upon inquiry of Mayor Bellamy, Police Chief Hogan said that he will be reporting to Council, on February 27, 2007, information in order to begin dialogue on a comprehensive drug plan.

ORDINANCE BOOK NO. 23 - PAGE

I. RESOLUTION NO. 07-35 - RESOLUTION APPROVING PARKS & RECREATION DEPARTMENT'S LIST OF CO-SPONSORED EVENTS FOR 2007

Summary: The consideration of a resolution approving Parks and Recreation Departments list of co-sponsored events for 2007.

The Parks and Recreation Department annually presents for consideration a list of co-sponsored events. The Department requests City Council's approval of this list that will provide authorization for in-kind support by the City.

The Parks and Recreation Department uses a matrix to assist in determining the minimum requirements for an event to be considered for co-sponsorship. This matrix includes specific points given for such areas as economic development, out of town spending, whether the event is designed for raising funds for local charities, or whether the event increases cultural awareness and understanding. A total of 29 events were approved last year costing the City approximately \$80,000. This year the number of events is reduced to 23 and the cost to the city is approximately \$72,000. The following is the recommended list:

- Asheville Criterium/Asheville Bicycle Racing Club
- Asheville Greek Fest/Holy Trinity Greek Orthodox Church
- Biltmore Estate 15K/5K Fun Run Classic Race/Kiwanis Club of Asheville
- CROP Walk/ecumenical group of churches
- Dickens Festival/Biltmore Village
- Downtown After 5/Asheville Downtown Association
- Dr. Martin Luther King Jr. Peace Walk/Dr. Martin Luther King Jr. Association of Asheville/Buncombe County
- Fiesta Latina/YMI Cultural Ctr.
- GoomBay! Festival/YMI Cultural Ctr.
- Hard Lox, Asheville's Jewish Food Festival/Beth Ha Tephila Synagogue
- Jazz & Gospel in the Park/Eagle Market Street Development Association
- Light Up Your Holidays Premier Celebration/Light Up Your Holidays Festival
- Midday Musicals/Community Foundation of WNC
- Organic Fest/Pure Food Partners
- Relay for Life/American Cancer Society
- Shindig on the Green/Folk Heritage Committee
- St. Patrick's Day 10K/5K/Fun Run/Asheville Catholic School
- Thomas Wolfe 8K Road Race/Asheville Track Club
- Walk America/March of Dimes
- 2007 Buncombe Memory Walk/Alzheimer's Association
- 4th Annual Montford Arts & Music Festival/Montford Neighborhood Association
- 8th Annual Asheville Citizen-Times Half Marathon/5K Run/ABCCM & Asheville Citizen-Times
- 10th Annual Buddy Walk/Western Carolina Down Syndrome Alliance

Pros:

- Generates in excess of \$10 million dollars for the local economy.
- Provides additional quality cultural programming and diversity.
- Allows fundraising opportunities for charities.
- Expands and enhances special events and festivals in Asheville.

Cons:

- The City's financial contribution is approximately \$72,000.
- Events contribute to decline on infrastructure and equipment provided to the organizers.

The Asheville Parks and Recreation Department recommends City Council approval of the resolution approving list of co-sponsored events for 2007.

Councilman Mumpower had no trouble with co-sponsoring festivals, however, was concerned with the amount of the City's financial contribution.

Councilwoman Cape felt that it was interesting to note that in matrix used to evaluate potential City co-sponsored events, the economic development weight of room nights is high,

which demonstrates to the Buncombe County Tourism Development Authority (TDA) another way, through co-sponsored events, the City is helping with tourism in the community. Councilwoman Cape asked that the TDA to be made aware of this.

In response to Mayor Bellamy, Mr. Butch Kisiah, Superintendent of Recreation, explained how the \$10 Million for the local economy was computed.

At the request of Vice-Mayor Jones, City Manager Jackson said that more scrutiny would be placed on the formula used in computing revenue to the local economy.

Councilman Freeborn moved for the adoption of Resolution No. 07-35. This motion was seconded by Councilman Newman and carried on a 6-1 vote, with Councilman Mumpower voting “no.”

RESOLUTION BOOK NO. 30 - PAGE 216

J. RESOLUTION NO. 07-36 - RESOLUTION ANNOUNCING PARTICIPATION IN THE ASHEVILLE-BUNCOMBE CLEANLINESS COLLABORATION

Summary: The consideration of a resolution announcing participation in the Asheville-Buncombe Cleanliness Collaboration.

The Asheville Chamber of Commerce has taken the lead in reinvigorating county-wide cleanliness efforts by bringing together representatives from the Chamber, the City of Asheville, Buncombe County, UNCA, NCDOT, A-B Tech, Quality Forward, RiverLink, downtown businesses and residents, and others. The collaboration was established to initiate sustainable efforts for the cleanliness and beautification of Asheville and Buncombe County. It plans a call to action and an event to kickoff a month of cleanups across the area during April, as well as ongoing reinforcement of these efforts.

Pros:

- The collaboration’s efforts support the work already performed by city staff to clean, beautify, enforce and educate on the subject of cleanliness.
- Broad participation in the collaboration is vital for full community buy-in of the importance of cleanliness and beautification.
- The city will be a leader in this effort; other participating organizations will follow the city’s lead in adopting the partnership resolution.

Cons:

- There are no cons.

Staff recommends adoption of the resolution declaring collaboration and announcing the City's participation in the Asheville-Buncombe Cleanliness Collaboration.

Ms. Masterson, with the Chamber of Commerce, spoke in support of this resolution noting that ideas are always welcome from the public about how we can sustain clean-up efforts.

Mayor Bellamy gave statistics about what the City of Asheville is doing to step up what they are doing regarding cleanliness and how they are working with other organizations.

Councilman Mumpower moved for the adoption of Resolution No. 07-36. This motion was seconded by Councilwoman Cape and carried unanimously.

RESOLUTION BOOK NO. 30 - PAGE 218

M. RESOLUTION NO. 07-39 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE MOUNTAIN SPORTS FESTIVAL ON MAY 4-6, 2007

RESOLUTION NO. 07- 40 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE DOWNTOWN ASSOCIATION'S DOWNTOWN AFTER 5 EVENTS ON MAY 18, JUNE 15, JULY 20, AUGUST 17 AND SEPTEMBER 14, 2007

RESOLUTION NO. 07- 41 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FOURTH OF JULY CELEBRATION ON JULY 4, 2007

RESOLUTION NO. 07- 42 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 76TH ANNUAL CITY OF ASHEVILLE OPEN TENNIS CHAMPIONSHIPS PICNIC ON JULY 19-20, 2007

RESOLUTION NO. 07- 43 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE GOOMBAY! FESTIVAL ON AUGUST 25-27, 2007

RESOLUTION NO. 07- 44 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE LEXINGTON AVENUE ARTS AND FUN FESTIVAL ON SEPTEMBER 9, 2007

RESOLUTION NO. 07- 45 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE FIESTA LATINA FESTIVAL ON SEPTEMBER 22, 2007

RESOLUTION NO. 07- 46 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE 11TH ANNUAL BREWGRASS FESTIVAL ON SEPTEMBER 22, 2007

RESOLUTION NO. 07-47- RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GREEK FESTIVAL ON SEPTEMBER 28-30, 2007

RESOLUTION NO. 07- 48 - RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT THE ASHEVILLE GRIZZLIES HOME HOMES ON VARIOUS DATES DURING THE SUMMER OF 2007

Summary: The consideration of a resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the following 2007 Special Events: (1) 2007 Mountain Sports Festival on May 4-6, 2007; (2) Asheville Downtown Associations' 2007 Downtown After 5 Events on May 18, June 15, July 20, August 17, and September 14, 2007; (3) Fourth of July Celebration on July 4, 2007; (4) 76th Annual City of Asheville Open Tennis Championships Picnic on July 19-20, 2007; (5) GoomBay! Festival on August 25-27, 2007; (6) Lexington Avenue Arts and Fun Festival on September 9, 2007; (7) Fiesta Latina Festival on September 22, 2007; (8) 11th Annual Brewgrass Festival on September 22, 2007; (9) Asheville Greek Festival on September 28-30, 2007; and (10) Asheville Grizzlies home games, various dates, throughout the summer.

The below listed groups have requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their events and allow for consumption at these events:

- The Mountain Sports Festival, scheduled for May 4-6 at Carrier Park, is an event to draw attention to the vast opportunities in Asheville as a destination for adventure sports.
- For many years, the Asheville Downtown Association has co-sponsored with the City of Asheville Parks and Recreation the Downtown After Five series to bring both citizens and visitors to the downtown area. This year Downtown After 5 will be held on May 18, June 15, July 20, August 17 and September 14, with the stage located at intersection of Battery Park Ave. and O.Henry Street.
- Asheville Parks and Recreation produces the 4th of July Celebration and Fireworks spectacular as a community celebration and to attract visitors to the downtown area. This event will be held in Pack Square in 2007.

- The 76th City of Asheville Open Tennis Championships Picnic, scheduled for July 19 & 20 at Aston Park, is a hospitality picnic for the spectators and players.
- The Asheville Goombay Festival is a unique celebration of African heritage and traditions. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held August 25-27 in the Eagle/Market Street area of downtown Asheville.
- The Lexington Avenue Arts and Fun Festival, an event that showcases Lexington Avenue, on September 9, 2007.
- Fiesta Latina is fundraiser for the Hispanic traditions in Asheville. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held on September 22 in the Eagle/Market Street area of downtown Asheville.
- The 11th Annual Brewgrass Festival, which is a benefit for the Big Brothers/Big Sisters program, has requested through the Asheville Parks and Recreation Department that City Council permit them to serve beer and/or unfortified wine at their event and allow for consumption on September 22, at Martin Luther King, Jr. Park.
- The Asheville Greek Festival is a unique celebration of Greek heritage and traditions. The Festival is co-sponsored by the Asheville Parks and Recreation Department and will be held September 28-30 at Martin Luther King, Jr. Park.
- The Asheville Grizzlies are a semi-professional sports team that seek to serve alcohol at their home games throughout the summer at Memorial Stadium.

Pros:

- Allows fundraising opportunities for charities
- Generates economic impact for the community
- Provides additional quality cultural programming and diversity

Cons: There are no negative issues associated with this request.

The Asheville Parks and Recreation Department recommends City Council adopt the resolution making provisions for the possession and consumption of malt beverages and/or unfortified wine at the following 2007 Special Events: (1) 2007 Mountain Sports Festival on May 4-6, 2007; (2) Asheville Downtown Associations' 2007 Downtown After 5 Events on May 18, June 15, July 20, August 17, and September 14, 2007; (3) Fourth of July Celebration on July 4, 2007; (4) 76th Annual City of Asheville Open Tennis Championships Picnic on July 19-20, 2007; (5) GoomBay! Festival on August 25-27, 2007; (6) Lexington Avenue Arts and Fun Festival on September 9, 2007; (7) Fiesta Latina Festival on September 22, 2007; (8) 11th Annual Brewgrass Festival on September 22, 2007; (9) Asheville Greek Festival on September 28-30, 2007; and (10) Asheville Grizzlies home games, various dates, throughout the summer.

Councilman Newman moved for the adoption of Resolution Nos. 07-39 through 07-48. This motion was seconded by Councilman Freeborn and carried on a 6-1 vote, with Mayor Bellamy voting "no."

RESOLUTION NO. 07-40 - RESOLUTION BOOK NO. 30 - PAGE 224

RESOLUTION NO. 07-41 - RESOLUTION BOOK NO. 30 - PAGE 227

RESOLUTION NO. 07-42 - RESOLUTION BOOK NO. 30 - PAGE 229

RESOLUTION NO. 07-43 - RESOLUTION BOOK NO. 30 - PAGE 232

RESOLUTION NO. 07-44 - RESOLUTION BOOK NO. 30 - PAGE 234

RESOLUTION NO. 07-45 - RESOLUTION BOOK NO. 30 - PAGE 236

RESOLUTION NO. 07-46 - RESOLUTION BOOK NO. 30 - PAGE 238

RESOLUTION NO. 07-47 - RESOLUTION BOOK NO. 30 - PAGE 241

RESOLUTION NO. 07-48 - RESOLUTION BOOK NO. 30 - PAGE 244

III. PRESENTATIONS & REPORTS:

IV. PUBLIC HEARINGS:

- A. PUBLIC HEARING TO CONSIDER CONDITIONAL ZONING OF PROPERTY LOCATED AT 175 MARIETTA STREET FROM INSTITUTIONAL DISTRICT AND RS-8 RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT TO OFFICE DISTRICT/CONDITIONAL ZONING IN ORDER TO REVIEW ACCESS FOR A FUTURE COMMERCIAL DEVELOPMENT**

Mayor Bellamy announced that the applicant withdrew his petition and no public hearing will be held on this matter.

- B. PUBLIC HEARING TO CONSIDER THE CONVEYANCE OF CITY-OWNED REAL PROPERTY LOCATED ON RALPH STREET AND CHOCTAW STREET TO MOUNTAIN HOUSING OPPORTUNITIES INC. AND THE GREEN FAMILY TO REDEVELOP CONSISTENT WITH THE CITY'S REQUEST FOR QUALIFICATIONS**

RESOLUTION NO. 07-49 - RESOLUTION TO CONVEY CITY- OWNED REAL PROPERTY LOCATED ON RALPH STREET AND CHOCTAW STREET TO MOUNTAIN HOUSING OPPORTUNITIES INC. AND THE GREEN FAMILY TO REDEVELOP CONSISTENT WITH THE CITY'S REQUEST FOR QUALIFICATIONS

At Mayor Bellamy's request, Councilman Freeborn moved to excuse Mayor Bellamy from participating in the matter due to a conflict of interest. This motion was seconded by Councilman Davis and carried unanimously.

At this time, Mayor Bellamy turned the meeting over to Vice-Mayor Jones.

Vice-Mayor Jones opened the public hearing at 5:50 p.m.

Real Estate Manager Ed Vess said that this is the consideration of a resolution approving the Sale and Redevelopment Contracts with Mountain Housing Opportunities, Inc. for parcels on Ralph Street and Choctaw Street in East Riverside.

On September 26, 2006, City Council accepted the Statement of Qualifications of Mountain Housing Opportunities, Inc. and the Green Family (MHO) and authorized the City Manager or his designee to negotiate a contract for the sale and redevelopment of two (2) parcels in East Riverside pursuant to the Request for Qualifications issued by the City on May 19, 2006. The sale contracts have been negotiated with Mountain Housing Opportunities, Inc., for Ralph Street and Choctaw Street. We have a letter from the Green Family which indicates that they will be participating as an equity partner, but they are withdrawing as a bidder, per se. They do not want to be in the sale contract or to be on the deed.

The purchase prices for the parcels reflected in the contracts conform to the respective fair reuse values established by City Council on January 23, 2007, which are consistent with the appraisals by BRB Appraisal Associates:

The Ralph Street parcel is 3.8± acres appraised at \$274,000. It is steeply sloped from Ralph Street to Town Branch with some flattening on each end. A greenway easement will be reserved along Town Branch.

The Choctaw Street parcel is 5.92± acres appraised at \$426,000. It varies from steeply sloped along the street fronts to moderate slope and nearly level in the middle of the property. The parcel is bisected by Town Branch and a greenway easement will be reserved here also.

Consistent with MHO's intent to develop the parcels in two phases, the dates for deeding provided in the contract are January 31, 2008, for Ralph Street and January 31, 2009, for Choctaw Street. Prior to deeding, the contracts provide for submission of a redevelopment plan for the parcels within six (6) months after the contract is executed. The redevelopment plan must be consistent with the goals set forth in the Request for Qualifications including the development of affordable workforce housing. Subsequent to Council approval of the redevelopment plans, construction plans and evidence of financing will be required prior to deeding. Construction must commence within three (3) months after the date of the deed and must be completed within eighteen (18) months after commencement.

Pros:

1. The sale will be at fair reuse value.
2. The proposed redevelopment will further the goals set forth in the RFQ, specifically the provision of affordable workforce housing.
3. It will return vacant underutilized property to the tax rolls.
4. Redevelopment of the property will significantly enhance the tax base.
5. It will enhance the stability and vitality of an existing revitalized community.
6. It will facilitate completion of a substantial portion of the Asheville Greenway system.

Con: The only negative is the loss of some park land, but the trade off is the Greenway will be a more accessible and desirable amenity than the unused vacant land.

On January 10, 2007, staff reviewed the contract terms with the City Council Planning & Economic Development Committee and the Committee referred the contracts to City Council for approval.

Approval of the resolution will authorize execution of the sale and redevelopment contracts with MHO as the qualified developer for the parcels on Ralph Street and Choctaw Street.

Economic Development staff recommends adoption of a resolution approving the Sale and Redevelopment Contracts with Mountain Housing Opportunities, Inc. for parcels on Ralph Street and Choctaw Street in East Riverside.

Councilman Davis responded to Mr. Fred English and explained the process to date and that the property, once developed, will pay taxes.

Vice-Mayor Jones closed the public hearing at 5:59 p.m.

Vice-Mayor Jones said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Freeborn moved for the adoption of Resolution No. 07-49. This motion was seconded by Councilwoman Cape and carried unanimously.

At this time, Vice-Mayor Jones turned the meeting back over to Mayor Bellamy.

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V. UNFINISHED BUSINESS:

A. RESOLUTION NO. 07-50 - RESOLUTION FOR ENHANCEMENT OF CHILD PORNOGRAPHY AND INTERNET PREDATOR INVESTIGATIONS

Police Chief Bill Hogan said that this is an update on information pertaining to child pornography and internet predator investigations and initiatives by the Asheville Police Department.

The Asheville Police Department (APD) receives approximately 4-6 reports of child pornography or on-line predatory behavior each year. This number of reports has remained consistent over the last four years. In comparison, APD receives 60-70 reports of sexual assault, rape, indecent liberties with a child, and indecent exposure each year, with "some" cases involving computer evidence that is consistent with child pornography investigations. To date, APD has not conducted on-line chatting or the luring of suspected internet predators.

Current initiatives: The APD is currently developing a Detective position within Criminal Investigations to conduct child pornography and internet predator investigations. This position will also assist with more than 150 Internet Fraud referrals that APD receives yearly from the Internet Fraud Complaint Center (IFCC). This dedicated child pornography / internet predator position does not currently exist within the Criminal Investigations Division, but has been requested in the 2007/2008 budget. A white collar crime / fraud Detective has been redirected and is currently receiving training and equipment to fill this position. The selected Detective will receive extensive training in computer forensic examination, allowing them to recover and extract network and personal computer information that is vital to these investigations. Currently, the State Bureau of Investigations (SBI) is the only area agency that conducts computer forensics. The backlog in the computer forensics division of the SBI is more than one year, making it essential that APD have this ability "in-house." The selected Detective is already scheduled for a computer "search and seizure" class as a foundation for the following classes:

- CyberCop 101: Basic Data Recovery and Acquisition Training.
- Criminal Investigations in an Automated Environment.
- Seized Computer Evidence Recovery Specialist Program.

Additionally, the APD is currently purchasing a Forensics Tower II Computer, Field Analysis Notebook Computer and associated equipment to recover data from suspect computers. This training and equipment was budgeted for in the 2006/2007 budget and will cost approximately \$15,000.

Future Plans: Upon completion of this training, the APD Detective will be prepared to fully investigate child pornography and on-line predatory behavior. The Detective will be able to examine network information and extract hidden files on personal computers to further these examinations. This Detective will receive additional training and cooperate with the National Association to Protect Children and the U.S. Department of Justice, Internet Crimes Against

Children program. This Detective will work cooperatively with their peer at the Buncombe County Sheriffs Department to further area investigations into child pornography and internet predators. The computer forensics function will greatly enhance APD investigations into internet fraud and identity theft also. The first year cost of this position is \$64,796. The following years cost will be \$40,935. It will take approximately 8 to 12 months for this position to be fully operational.

Mr. Grier Weeks, representing the National Association to Protect Children, thanked City Council for adoption of this resolution.

Mayor Bellamy said that members of Council have been previously furnished with a copy of the resolution and it would not be read.

Councilman Freeborn moved for the adoption of Resolution No. 07-50. This motion was seconded by Councilman Davis and carried unanimously.

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B. RESOLUTION NO. 07-51 - RESOLUTION REQUESTING LEGISLATIVE ACTION FOR THE CITY OF ASHEVILLE IN THE 2007 GENERAL ASSEMBLY

City Attorney Oast said that this is the consideration of a resolution requesting legislation for the City of Asheville in the 2007 session of the North Carolina General Assembly, and appropriate action with respect to other legislative matters.

Since the discussion with Council on January 9, 2007, the General Assembly convened on January 24, and there have been several developments of relevance to the City's legislative interests.

1. The deadline for submission of requests for local legislation has been established.
2. Several pieces of legislation have been initiated on subjects that Council expressed interest in:
 - a. Strengthening of sex offender laws – There have been several bills (including HB 27, 28, 29, and SB 17) introduced to strengthen and clarify laws relating to child pornography and sexual predators.
 - b. A bill (HB 39) was introduced to permit the provision of economic development incentives to “endangered manufacturers.”
 - c. A bill (HB 55) was introduced to require public employers to take certain steps to verify immigration information on new employees.

- d. Bills have been introduced (HB 86 and 87) that would affect the ability of the City to annex; one of those bills is a local act that would apply only in Buncombe County.
- e. The Asheville Chamber of Commerce on January 12, 2007, adopted its legislative agenda.

As the foregoing are matters with respect to which legislation has been introduced, the appropriate action for Council is a resolution stating Council's position (endorsing, approving, etc.). There is no particular deadline for taking this action, and with respect to some of the items, Council may wish to perform some more investigation before taking action, such as learning what the League of Municipalities' position is, or the position of other cities. In fact, a bill has been introduced today in support of affordable housing bonds for the State of North Carolina. He will report on various legislation as they develop.

With respect to specific requests for legislative action, Council has indicated an interest in the following:

1. Sullivan Acts. As Council knows, the Sullivan Acts require the City to provide water to customers outside the City limits, and prohibit the City from charging differential rates for outside service. Under the general law, other cities can and do charge differential rates for services provided outside of the city. The proposed resolution requests repeal of these acts.
2. Civic Center. A bill authorizing the City to charge a 1% room occupancy tax as a revenue source to fund improvements to the Civic Center. Council has adopted a plan for these improvements, and on February 13, directed that a request for this funding source be requested. A draft bill will be prepared and transmitted to the delegation, along with a copy of the plan.
3. Annexation. As with the last two years, there is the possibility that legislative action will be required to annex some properties into the City that cannot be annexed by other means, but whose incorporation into the City is desirable for service provision reasons. Specifically, there are some parcels between Asheville and Woodfin near UNC-A, that should have municipal services (police, fire) availability, should the need arise. We have spoken with Woodfin in the past about this. Depending on how further discussions proceed, legislative action may be necessary. Because of limitations on "blank bills," we will need to consult the delegation to determine what form this action should take.
4. Housing Authority Board Term of Office. The Housing Authority Board of Directors unanimously approved reducing their term of office from 5 years to 4 years. This request was recommended by Mayor Bellamy in order to bring the terms more in line with other boards.

At this point, action is needed with respect to the items of local legislation noted above. Council may want to obtain further information and develop a position with respect to the bills that have already been introduced.

City Attorney Oast noted that the list of bills that have already been introduced outlined above is not a comprehensive list. At this point, he requested Council take action on the specific requests for local legislation.

Councilman Mumpower said that it takes time to draft bills and if we are going to encourage our local delegation to pursue strong efforts toward the criminal justice system reform the sooner we advise them, the better. He said that North Carolina is the 48th state in the country in funding right now. He felt it was very important to put this in front of our delegation as soon as possible, if nothing else but to illustrate how important we believe this issue to be.

City Attorney Oast said that he could bring back to Council another resolution on March 13, 2007, that addresses the matters that are not necessarily appropriate for local legislation, noting that the deadline concerning these actions would be April 10 and April 18, 2007. He felt that when he checks the legislation that has been introduced, is that there are bills that have already been introduced or in the process of being drafted addressing the issues Council has raised.

In order to expedite the general resolution supporting the criminal justice system reform, Mayor Bellamy said that Council would be willing to work with the Assistant City Attorney in order to bring this matter before Council on February 27, 2007.

Councilman Newman suggested we adopt the resolution on local legislative and ask the Mayor to write a letter to the local delegation identifying the other important Council issues, e.g., the Land for Tomorrow initiative.

Mayor Bellamy noted that the other important legislative issues Council is interested in are still on the table, e.g., additional subsidy for day care, but are not listed today because they do not require specific legislative writing by our delegation.

Councilman Mumpower said that he wants our delegation to introduce a bill for the criminal justice system reform and that it should be included as an item of local legislation.

Councilwoman Cape said that in order to show how the criminal justice system reform is specific to Asheville, she suggested language about the closing of the recent mental health facilities which overloads our court system.

Councilman Davis felt there is an overall need for a justice center. He would support a general statement to our legislators requesting reform for the judicial system, but also supported partnering with the Buncombe County Commissioners in this request.

Mayor Bellamy felt that we need to put computerization of the court system as another important legislative issues to come before Council.

Councilman Newman said that our legislators probably have the sense of an appropriations bill that funds judicial systems across the state. He suggested we let them know this is a priority for Asheville and let them figure out how to accomplish it.

Councilman Mumpower said that our legislators are comfortable intruding in our local affairs in areas that are not necessarily in the City of Asheville's interest and since criminal justice system reform is crucial to Asheville, he suggested local intervention.

Councilman Mumpower moved to submit the Sullivan Acts request to our local delegation. This motion was seconded by Councilwoman Cape and carried unanimously.

Councilman Newman moved to submit the Civic Center request to our local delegation. This motion was seconded by Councilman Davis and carried on a 6-1 vote, with Councilman Mumpower voting "no."

Vice-Mayor Jones moved to submit the annexation request to our local delegation. This motion was seconded by Councilman Davis and carried unanimously.

Vice-Mayor Jones moved to submit the Housing Authority Board of Director's term reduction from 5 years to 4 years to our local delegation. This motion was seconded by Councilman Mumpower and carried unanimously.

Councilman Mumpower moved to submit a general statement of support for the criminal justice system reform in Buncombe County. This motion was seconded by Councilman Freeborn and carried unanimously. It was the consensus of Council's understanding that if it is possible to do this through a local bill, we would urge them to do that, but if it is appropriate to address it through a statewide appropriations process, then we encourage that route.

Vice-Mayor Jones asked about legislation (1) allowing Asheville to have the ability to work with our business license structure; and (2) other ideas for property tax relief. Mayor Bellamy said that these will be discussed at a later date since they would have to be accomplished through state-wide legislation.

After a brief discussion, initiated by Vice-Mayor Jones, about a local bill two of our legislators have introduced prohibiting Buncombe County (and municipalities statewide) to annex, Councilman Mumpower moved to oppose that bill and request withdrawal. This motion was seconded by Vice-Mayor Jones and carried unanimously.

Councilman Freeborn felt we should ask our delegation to sponsor a bill that gives us a variety of tools to promote voluntary annexations.

Councilman Mumpower said a tool might be allowing Asheville to have additional taxing resources, e.g., the room tax, then that enables the City to keep the property tax lower, which makes coming into the City more attractive. There are other taxing capacities that he won't advocate for but other cities have. And, if other cities have them, then in fairness, Asheville should have them.

Councilman Newman moved to ask our legislators to allow Asheville to work with developers who are proposing significant new developments along the periphery of our City to work with them on voluntary annexation. This motion died for a lack of a second.

Councilman Mumpower moved to request our state legislation to give fair consideration to providing Asheville the same resources supportive of the voluntary annexation option that other cities and municipalities in the State of North Carolina have. This motion was seconded by Councilman Freeborn and carried unanimously.

Councilman Mumpower moved support House Bill 55 which was introduced to require public employers to take certain steps to verify immigration information on new employees.

After a short discussion, it was the consensus of Council to not consider the legislative issues that have already been introduced because there are a number of other statewide issues that Council is interested in and those will be discussed at the February 27, 2007, meeting. Councilman Mumpower withdrew his motion.

Councilman Newman was agreeable to discussing support of state funding for the expansion of the Asheville Art Museum at the February 27, 2007, meeting.

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C. RESOLUTION NO. 07-52 - RESOLUTION ESTABLISHING THE CITY OF ASHEVILLE'S FEDERAL PRIORITIES AND LEGISLATIVE AGENDA FOR FISCAL YEAR 2008

Economic Development Director Sam Powers said that the purpose of this agenda item is to review and request City Council prioritization of federal legislative initiatives and federal funding requests for the 110th Congress.

At the November 14, 2006, meeting, City Council reviewed potential federal legislative initiatives that Council members had noted as of interest. These legislative initiatives are as follows:

1. Legislative action to remedy changes to the funding of Asheville Transit system negatively affecting the system.
2. Support for national and state legislation/resources to address illegal immigration issues at the local level, specifically in respect to criminal behavior and the employment of illegal aliens.
3. Support federal legislation securing the necessary funds to continue the North Carolina Health Choices Initiative to insure our children in North Carolina by supporting Senate Bill S.3913 (Keep Children Covered Act of 2006).
4. Support raising the federal minimum wage.
5. Support changes to require that Social Security offices be located on public transportation routes so that all citizens have access to the services provided by the agency. - This item has been addressed.

Council also received from staff an updated list of projects that are potential candidates for federal funding. These projects are outlined as follows:

1. Reid Center for the Creative Arts Renovation
2. Asheville Transit System Bus Acquisition Pilot Project (also addressed through CIP)
3. Sustainable (Green) Building Fire Station Enhancements
4. Driving and Firearms Simulator/Firing Range Upgrades
5. Public Safety Radio System
6. Traffic Signal Preemption
7. Thomas Wolfe Cabin Project

City Council has the opportunity to (1) identify potential new initiatives; (2) select and prioritize initiatives for inclusion in a federal priorities agenda; and (3) consider how to communicate with our legislative delegation.

Staff recommends that Council list and prioritize Federal initiatives and projects and pass a resolution communicating stated priorities to the federal elected delegation and appropriate federal funding agencies.

At the request of Councilman Freeborn and Mayor Bellamy, support for public housing initiatives, including HOPE 6, was added to the list for federal funding.

Vice-Mayor Jones explained why she will not be supporting any of the potential projects for federal funding, but did hope that the HOPE 6 initiative could be included in the federal legislative initiatives as the fifth item (since the Social Security Office changes have been addressed).

Councilman Newman spoke in support of the Thomas Wolfe Cabin Project and asked that City staff pare down the request to a more basic maintenance budget to take care of this property.

Mayor Bellamy asked for an anti-crack bill that deals with the harsh realities of crack cocaine be placed under the potential federal legislative initiatives.

Councilman Mumpower explained that he will be voting against any project or initiative that has dollars in it because of the current federal debt.

Councilman Mumpower moved to support legislative action to remedy changes to the funding of Asheville Transit system negatively affecting the system. This motion was seconded by Councilwoman Cape and carried unanimously.

After a brief discussion, Councilman Mumpower moved to support national and state legislation/resources to address illegal immigration issues at the local level, specifically in respect to criminal behavior and the employment of illegal aliens. This motion was seconded by Councilman Davis and carried on a 6-1 vote, with Vice-Mayor Jones voting “no.” Vice-Mayor

Jones feels this may be another unfunded mandate; however, she was supportive of ways that we can really crack down on the criminal element.

Councilman Freeborn moved to support federal legislation securing the necessary funds to continue the North Carolina Health Choices Initiative to insure our children in North Carolina by supporting Senate Bill S.3913 (Keep Children Covered Act of 2006). This motion was seconded by Vice-Mayor Jones and carried on a 6-1 vote, with Councilman Mumpower voting “no.”

After a brief discussion, Councilman Newman moved to support raising the federal minimum wage. This motion was seconded by Vice-Mayor Jones and carried on a 5-2 vote, with Councilman Mumpower and Councilman Davis voting “no.”

After a brief discussion, Councilman Freeborn moved to support public housing initiatives, including HOPE 6. This motion was seconded by Councilwoman Cape and carried on a 6-1 vote, with Councilman Mumpower voting “no.”

Councilman Freeborn moved to support an anti-crack bill. This motion was seconded by Councilman Mumpower and carried unanimously.

Councilman Freeborn moved to support the Reid Center for the Creative Arts Renovation as a candidate for federal funding. This motion was seconded by Councilwoman Cape and carried on a 5-2 vote, with Vice-Mayor Jones and Councilman Mumpower voting “no.”

Councilman Newman moved to support the Asheville Transit System Bus Acquisition Pilot Project (not being addressed in the Capital Improvement Plan) as a candidate for federal funding. This motion was seconded by Councilwoman Cape and failed on a 3-4 vote, with Councilwoman Cape, Councilman Freeborn and Councilman Newman voting “yes” and Mayor Bellamy, Vice-Mayor Jones, Councilman Davis and Councilman Mumpower voting “no.”

Councilwoman Cape moved to support sustainable (green) building fire station enhancements as a candidate for federal funding. This motion was seconded by Councilman Newman. There was considerable discussion of Council’s policy regarding LEED certification for City facilities. City Manager Jackson said that City staff will bring back this issue for specific discussion by the end of March. The motion made by Councilwoman Cape and seconded by Councilman Newman failed on a 3-4 vote, with Councilwoman Cape, Councilman Freeborn and

Councilman Newman voting “yes” and Mayor Bellamy, Vice-Mayor Jones, Councilman Davis and Councilman Mumpower voting “no.”

Councilman Freeborn moved to support the driving and firearms simulator/firing range upgrades as a candidate for federal funding. This motion died for a lack of a second.

Councilman Freeborn moved to support the public safety radio system as a candidate for federal funding. This motion was seconded by Councilman Newman and failed on a 3-4 vote,

with Mayor Bellamy, Councilman Freeborn and Councilman Newman voting “yes” and Vice-Mayor Jones, Councilwoman Cape, Councilman Davis and Councilman Mumpower voting “no.”

Councilman Newman moved to support the traffic signal preemption as a candidate for federal funding. This motion was seconded by Councilman Freeborn and failed on a 2-5 vote, with Councilman Freeborn and Councilman Newman voting “yes” and Mayor Bellamy, Vice-Mayor Jones, Councilwoman Cape, Councilman Davis and Councilman Mumpower voting “no.”

Councilman Newman moved to support the Thomas Wolfe Cabin Project as a candidate for federal funding and request City staff to pare down the budget request for just basic maintenance. This motion was seconded by Councilman Davis and failed on a 3-4 vote, with Councilwoman Cape, Councilman Davis and Councilman Newman voting “yes” and Mayor Bellamy, Vice-Mayor Jones, Councilman Freeborn and Councilman Mumpower voting “no.”

Vice-Mayor Jones moved to add as a federal legislative initiative support for incentives for local governments to have LEED certification and energy efficient vehicles. This motion was seconded by Councilman Freeborn and carried on a 5-2 vote, with Councilman Davis and Councilman Mumpower voting “no.”

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VI. NEW BUSINESS:

A. REVIEW AND CONSIDER CRITERIA FOR SCHOOL BOARD QUESTIONS

After a short discussion, it was the consensus of City Council to ask the School Board candidates to respond to the following questions in writing, at the appropriate time: (1) What do you believe is the cause of our extraordinarily high drop out rate for black males in the City school system?; (2) The City school system is currently responsible for educating approximately 50% of students living within the City limits. What are your thoughts on this reality and the \$21,000,000 of City school supplement utilized in education of those students?; (3) What are your views on the role of the school system to community health, nutrition, and childhood diseases?; (4) How do you address the problem of minority student achievement gap?; and (5) Should upper administrative staff be required to live in the Asheville City School District, and why?

B. RESOLUTION NO. 07-53 - RESOLUTION APPOINTING MEMBERS TO THE RECREATION BOARD

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Recreation Board.

The term of Shelly Booth expires on June 30, 2008, and the term of Laura Williams expires on June 30, 2009.

City Council instructed the City Clerk to arrange interviews for Carolyn Stanberry, Adam S. Pittman and Scott Barnwell. However, it was determined that Mr. Barnwell was appointed to the Board on July 25, 2006.

Councilman Mumpower moved to appoint (1) Carolyn Stanberry as a member of the Recreation Board to serve the unexpired term of Ms. Booth, term to expire June 30, 2008; and (2) Adam S. Pittman as a member of the Recreation Board to serve the unexpired term of Ms. Williams, term to expire June 30, 2009, or until their successors have been appointed. This motion was seconded by Councilwoman Cape and carried unanimously.

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C. RESOLUTION NO. 07-54 - RESOLUTION APPOINTING MEMBERS TO THE GREENWAY COMMISSION

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Greenway Commission.

The terms of Jack Saye and Phyllis Styles, as members on the Greenway Commission, expired December 31, 2006.

City Council instructed the City Clerk to arrange interviews for Hartwell Carson, Glen Locascio and Dawa Clark. Mr. Carson was unable to be contacted for an interview.

It was the consensus of City Council to reappoint Phyllis Styles to serve an additional three-year term, term to expire December 31, 2009, or until her successor has been appointed.

After Council spoke highly of both candidates interviewed, Hartwell Carson received no votes; Glen Locascio received 5 votes; and Dawa Clark received 2 votes. Therefore, Glen Locascio was appointed as a member of the Greenway Commission to serve a three-year term, term to expire December 31, 2009, or his successor has been appointed.

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D. RESOLUTION NO. 07-55 - RESOLUTION APPOINTING MEMBERS TO THE TREE COMMISSION

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Tree Commission.

The terms of Monty Wooten and Robert Halliday, as members on the Tree Commission, expired on December 31, 2006.

City Council instructed the City Clerk to arrange interviews for Laura Uberbacher, Mary Carol Koester and Bill Hascher. Ms. Koester withdrew her application

Councilman Freeborn moved to appoint Laura Uberbacher and Bill Hascher as members to the Tree Commission to each serve a three-year term respectively, terms to expire December 31, 2009, or until their successors have been appointed. This motion was seconded by Councilman Mumpower and carried unanimously.

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E. RESOLUTION NO. 07-56 - RESOLUTION APPOINTING MEMBERS TO THE PUBLIC ART BOARD

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Public Art Board.

The term of Tina McGuire expires on December 31, 2007, and the term of Dana Irwin expires on December 31, 2008.

City Council instructed the City Clerk to arrange interviews for Lisa Messa and Julie Calhoun-Roepnack. It was noted that Harry Harrison is a candidate but it was not necessary to bring him in for an interview.

After Council spoke highly of the candidates, Harry Harrison received 7 votes; Lisa Messa received no votes and Julie Calhoun-Roepnack received 7 votes. Therefore, Ms. Calhoun-Roepnack was appointed to fill the unexpired term of Ms. McGuire, term to expire December 31, 2007; and Mr. Harrison was appointed to serve the unexpired term of Ms. Irwin, term to expire December 31, 2008, or until their successors have been appointed.

RESOLUTION BOOK NO. 30 – PAGE 269

F. RESOLUTION NO. 07-57 - RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Alcoholic Beverage Control Board.

The terms of Debora Holmes-Young and Kenneth Kaplan expired on November 13, 2006.

It was the consensus of City Council to reappoint Mr. Kaplan, term to expire November 13, 2009, or until his successor has been appointed.

City Council instructed the City Clerk to arrange interviews for Wiley Neal Evans, DeRothea G. Williams and William C. Dickason. Mr. Evans was interested, however, was unable to attend the interview.

After Council spoke highly of the candidates, Wiley Neal Evans received no votes; DeRothea G. Williams 5 received votes; and William C. Dickason received 2 votes. Therefore, Ms. Williams was appointed as a member of the Alcoholic Beverage Control Board to serve three-year term, term to expire November 13, 2009, or until her successor has been appointed.

RESOLUTION BOOK NO. 30 – PAGE 270

G. RESOLUTION NO. 07-58 - RESOLUTION APPOINTING MEMBERS TO THE ASHEVILLE-BUNCOMBE COMMUNITY RELATIONS COUNCIL

Vice-Mayor Jones, Chair of the Boards & Commissions Committee, said that this is the consideration of appointing members to the Asheville-Buncombe Community Relations Council.

The term of Clara Jeter expired on December 31, 2006.

City Council instructed the City Clerk to arrange interviews for Ms. Ira Naiman, Mr. Craig White, Ms. Amanda Hendler-Voss, Ms. Shirley Schultz, Ms. Clara Hanrahan, and Ms. Martha Swindell Brown, Ms. Sharon West, and Mr. Michael Vavrek. The following is the status of four of the candidates: (1) Ms. Naiman and Ms. Hendler-Voss withdrew their applications; (2) Ms. Brown has moved; and (3) Mr. Vavrek is interested, however, was unable to attend the interview.

After City Council spoke highly of the candidates, City Council voted until one candidate received a majority vote. As a result, Mr. Craig White was appointed as a member of the Asheville-Buncombe Community Relations Council to serve a three year term, term to expire December 31, 2009, or until his successor has been appointed.

RESOLUTION BOOK NO. 30 – PAGE 271

H. CONSIDERATION OF APPOINTMENTS TO THE FILM COMMISSION, THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE, AND THE DOWNTOWN COMMISSION

It was the consensus of City Council to (1) instruct the City Clerk to re-advertise for candidates for the Film Commission; and (2) ask Vice-Mayor Jones to contact the Chair to discuss the need for the Film Commission.

It was the consensus of City Council to instruct the City Clerk to prepare the proper paperwork to reappoint Bonnie Love and Carol Ann Pothier as members of the Americans with Disabilities Act Compliance Committee, to each serve an additional three-year term respectively, terms to expire August 22, 2009, or until their successors have been appointed.

It was the consensus of City Council to instruct the City Clerk to arrange the following interviews for vacancies on the Downtown Commission: Amy Merritt, Brad Galbraith, Hutch Kerns and James Kilbourne.

VII. OTHER BUSINESS:

Councilman Mumpower noted (1) Biltmore Press printing the Drug Commission posters for the first three months of the year; and (2) the “Stop the Harm” anti-drug vigil on February 22, 2007.

Councilwoman Cape described (1) the State of Black Asheville community forum at UNC-Asheville; and (2) the performance by children at the Reid Center for their renovation campaign.

VIII. INFORMAL DISCUSSION AND PUBLIC COMMENT:

Mr. Steve Arpin asked for City Council assistance with City and State regulations at his home at 13 Detroit Place. City Manager Jackson said that he will report back to Council with what we can remedy and what is not possible within public safety standards.

Rev. Christopher Chiaronmonte spoke to Council about homelessness in Asheville.

Ms. Mildred Brooks related concerns for the children at Asheville High School. Mayor Bellamy said that she would be happy to contact her and discuss her concerns.

At 8:26 p.m., Councilman Mumpower moved to go into closed session for the following reasons (1) to establish or to instruct City staff or negotiating agents concerning the position to be taken by or on behalf of the City in negotiating the terms of contracts for the acquisition of real property, including McCormick Heights, by purchase, option, exchange or lease. The statutory authorization is N.C. Gen. Stat. sec. 143-318.11 (a) (5); and (2) to consult with an attorney employed by the City about matters with respect to which the attorney-client privilege between the City and its attorney must be preserved, including litigation involving the following parties: City of Asheville, Reid Thompson and the Board of Adjustment. The statutory authorization is N. C. Gen. Stat. sec. 143-318.11 (a) (3). This motion was seconded by Councilman Mumpower and carried unanimously. This motion was seconded by Councilman Freeborn and carried unanimously.

At 10:25 p.m., Councilman Freeborn moved to come out of closed session. This motion was seconded by Councilman Davis and carried unanimously.

IX. ADJOURNMENT:

Mayor Bellamy adjourned the meeting at 10:25 p.m.

CITY CLERK

MAYOR